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ABSTRACT

The Texas Education Code requires the Commissioner of Education to develop and propose a system for evaluating the progress of students eligible for exemption from the statewide assessment program under current law. This report summarizes the proposed system for limited English proficient (LEP) students. It includes proposed changes to the assessment and accountability systems using the Texas Assessment of Academic Skills (TAAS) tests, the Spanish versions of the TAAS for grades 3 and 6, and a new instrument for measuring proficiency in reading written English, which will be developed or purchased for this assessment effort. The proposed system defines the points at which students will take the defined assessments. All LEP students receiving instruction in Spanish will take either the Spanish TAAS or the English TAAS at the time of LEP program exit. Students taking the Spanish TAAS will also take the test of English reading proficiency. Students who enter the United States by first or second grade will take the English TAAS after 4 years. Other testing points are listed for students who enter at different grade levels. One appendix lists project activities in assessment development, and the other discusses research studies proposed to study the implementation and operation of the assessment system. (SLD)

ED 437 429

*A Report
to the 75th
Texas Legislature
from the
Texas Education Agency*

*Assessment System for
Limited English Proficient
Students Exempted from the
Texas Assessment Program
at Grades 3-8*

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TEXAS EDUCATION AGENCY

Assessment System for Limited English Proficient Students Exempted from the Texas Assessment Program at Grades 3-8

A Report to the
75th Texas Legislature
from the
Texas Education Agency

Submitted to the Governor, Lieutenant Governor,
Speaker of the House, and the Seventy-Fifth
Texas Legislature

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TEXAS EDUCATION AGENCY

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MIKE MOSES
COMMISSIONER OF EDUCATION

December 1, 1996

The Honorable George W. Bush, Governor of Texas
The Honorable Bob Bullock, Lieutenant Governor of Texas
The Honorable Pete Laney, Speaker of the House of Representatives
Members of the 75th Texas Legislature

Section 39.027(c) of the Texas Education Code requires the commissioner of education to develop and propose a system for evaluating the progress of students eligible for exemption from the statewide assessment program under current law. This report summarizes the proposed system for limited English proficient students, and another report addresses an assessment system for special education students exempted from the statewide testing program.

This report includes proposed changes to the assessment and accountability systems utilizing the Texas Assessment of Academic Skills (TAAS) tests, the grades 3 through 6 Spanish-version TAAS tests, and a new instrument for measuring proficiency in reading written English, which will be developed or purchased. During the development of the proposed system, efforts were made to include assessments that are appropriate measures of sound instructional practice and that maintain high standards of learning for all students.

I am pleased to submit this report for your consideration.

Respectfully submitted,

Mike Moses
Commissioner of Education

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Assessment System for Limited English Proficient Students Exempted from the Texas Assessment Program at Grades 3-8

In 1995 Texas legislation was passed requiring the commissioner of education to develop and propose a system for evaluating the progress of limited English proficient (LEP) students eligible for exemption under current law. The assessment system proposed by the commissioner is summarized below and utilizes the English Texas Assessment of Academic Skills (TAAS) tests, the grades 3 through 6 Spanish TAAS tests, and a new instrument measuring growth in English reading proficiency. The remainder of this report provides background information and a more detailed description of the proposed system.

Proposed System

A. LEP Students Receiving Instruction in Spanish

- All LEP students receiving instruction in Spanish as required by Section 29.055 of the Texas Education Code will take either (1) Spanish TAAS or (2) English TAAS at the time of program exit.
- Students taking Spanish TAAS will also be administered a reading proficiency test in English (RPTE) that will identify their level of proficiency in reading written English.
- Students who enter U.S. schools by first or second grade will be required to take English TAAS after four years. Those entering U.S. schools in third grade or subsequent grades will be required to take English TAAS after three years.

This chart displays the grades 3-8 assessment plan for LEP students receiving instruction in Spanish.

Grade of testing*	Grade in which child entered U.S. schools							
	1	2	3	4	5	6	7	8
3	Spn+RPTE	Spn+RPTE	Spn+RPTE					
4	Spn+RPTE	Spn+RPTE	Spn+RPTE	Spn+RPTE				
5	Eng TAAS	Spn+RPTE	Spn+RPTE	Spn+RPTE	Spn+RPTE			
6		Eng TAAS	Eng TAAS	Spn+RPTE	Spn+RPTE	Spn+RPTE		
7				Eng TAAS	RPTE	RPTE	RPTE	
8					Eng TAAS	RPTE	RPTE	RPTE

* Students may be administered the English TAAS test prior to the grade shown if determined to be English proficient.

Spn=Spanish TAAS; RPTE=reading proficiency test in English; Eng TAAS=English TAAS

- The TAAS scores, whether for English or Spanish TAAS, will be used as base indicators in the accountability rating system. RPTE scores for students taking Spanish TAAS will be reported in the Academic Excellence Indicator System (AEIS) for public information.

B. All Other LEP Students

- All other LEP students will take English TAAS after two years in U.S. schools. During the interim two-year period, these students will be tested according to the following plan:

Grade of testing*	Grade in which child entered U.S. schools							
	1	2	3	4	5	6	7	8
3	Eng TAAS	RPTE	RPTE					
4		Eng TAAS	RPTE	RPTE				
5			Eng TAAS	RPTE	RPTE			
6				Eng TAAS	RPTE	RPTE		
7					Eng TAAS	RPTE	RPTE	
8						Eng TAAS	RPTE	RPTE

* Students may be administered the English TAAS test prior to the grade shown if determined to be English proficient.

- English TAAS scores will be used in the accountability rating system, and gains in RPTE will be reported in the AEIS system for public information.

Proposed Time Line

The grades 3 through 6 Spanish TAAS tests will be reported in the accountability system in the 1996-97 and 1997-98 school years and will be used in the rating system beginning in the 1998-99 school year.

If development time lines do not preclude it, the RPTE will be implemented in the 1998-99 school year with performance reported as required by Section 39.027(c) of the Texas Education Code.

	1996-97	1997-98	1998-99	1999-2000
TAAS Indicators in the Accountability System				
Spanish Reading, Mathematics, Gr. 3-4 Spanish Reading, Mathematics, Gr. 5-6 Writing, Gr. 4	Report Benchmark	Report Report	✓ Report	✓ ✓
Academic Excellence Indicator System				
Reading Proficiency Test in English*			Report	Report

✓ Used for rating or acknowledgments

* Contingent on development time line

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Assessment System for Limited English Proficient Students Exempted from the Texas Assessment Program at Grades 3-8

CHAPTER

1

Project Background and Context

The purpose of this document is to present the commissioner of education's proposed changes to the Texas assessment and accountability systems related to limited English proficient students. As possible changes were proposed and discussed, two guiding principles were emphasized. The first was that the system proposed must maintain high standards of learning for all students. The second was to ensure that the system would be fair and appropriate given the diversity in the educational programs and backgrounds of limited English proficient students.

This section of the report provides an overview of the context within which the proposed system was developed.

The Legislative Charge

In 1995 state legislation was passed requiring the commissioner to develop and propose an assessment system for evaluating the progress of limited English proficient students eligible for an exemption under current law. Specifically, Section 39.027 (c) of the Texas Education Code mandates:

Not later than December 1, 1996, the commissioner shall develop and propose to the legislature an assessment system for evaluating the progress of students exempted under Subsection (a).¹ Not later than the 1998-99 school year, the performance of those students under an

¹ Subsection (a) refers to special education and limited English proficient students. The latter are the subject of this report; another report addresses the former population.

assessment system must be included in the academic excellence indicator system under Section 39.051, the campus report card under Section 39.052, and the performance report under Section 39.053. This subsection expires September 1, 1999.

The Texas Education Agency (TEA) contracted with Westat, Inc., of Rockville, Maryland, to assist in developing the proposed assessment system for limited English proficient students.

Three key ideas have framed the development of the system proposed in this report. First, the current assessment and accountability systems and other components of the Texas educational system provide certain parameters within which change can occur. In particular, the Texas Assessment of Academic Skills (TAAS), the end-of-course examinations, the state accountability system, and the essential elements provide a context for the proposed system.

Second, the educational system is complex and its components highly interrelated. Adjustments made in any one part of the system may lead to modifications in others. For example, the process underway to update the essential elements with the Texas essential knowledge and skills (TEKS) is evidence of the evolving nature of the entire system. It is likely that this process will have some impact on the assessment system ultimately implemented for LEP students. The changes proposed in this report, however, will serve as the foundation for the participation of LEP students in statewide assessment despite ongoing refinements in the educational system.

Third, the national and state advisory panel convened for this project and other Texas stakeholders believe that although the accountability system should hold districts, schools, and students accountable for meeting high standards, institutional capacity building and institutional accountability for students' learning should precede student accountability. Therefore, to the extent possible, time lines will begin with preliminary capacity-building activities and culminate with revised accountability indicators.

The National Context

The issues related to the assessment of limited English proficient students is of national concern. As states strive to create systems that provide information on the effectiveness of schools, there is much discussion and controversy about how best to measure the progress of students whose needs and circumstances differ from the general population. Students of limited English proficiency have typically been exempted from statewide assessment because their participation in standardized testing tends to place them in a "catch-22" situation. Traditional assessments have not been appropriate because they do not isolate the measurement of academic content from that of language ability. Consequently, when LEP students are administered traditional assessments, it is not possible to know to what extent the student may not understand the concepts assessed and to what extent there may be language interference. To address this problem, many states have exempted LEP students from standardized testing until they are proficient in English. This solution, however, is being viewed with increasing dissatisfaction in states where assessment results are used for school accountability purposes. More and more, educators, policymakers, and stakeholders are interested in including the performance of all students in measures of school effectiveness so that the educational needs of all students can be met.

The Texas Context

The principal goal of the Texas student assessment program is to measure the progress of students toward achieving academic excellence with the main purpose being institutional accountability.

The Student Assessment Program. The principal goal of the statewide assessment program is to measure the progress of students toward achieving academic excellence with the main purpose being institutional accountability. The TAAS, a criterion-referenced testing program mandated by the legislature in 1989, is a key component of the student assessment program. TAAS provides a comprehensive assessment of the essential elements², and higher-order thinking skills and problem-solving ability are emphasized. TAAS is administered annually at grades 3 through 8, and students must pass an exit level exam in order to receive a high school diploma.

² The term essential elements is used throughout this document since the TEKS adoption process is not yet complete.

The Accountability System The accountability system measures the quality of learning in Texas schools using a set of academic excellence indicators. The Academic Excellence Indicator System (AEIS) provides information on school and district staff, finances, programs, and student demographics, in addition to test results and other performance indicators. These data are used to develop reports for campuses, districts, regions, and the state as a whole. District and school accreditation ratings are based on the AEIS data and the accompanying standards.

Three base indicators are used to determine accountability ratings for districts and campuses. These are TAAS results in the areas of reading, mathematics, and writing; the high school dropout rate; and the attendance rate.

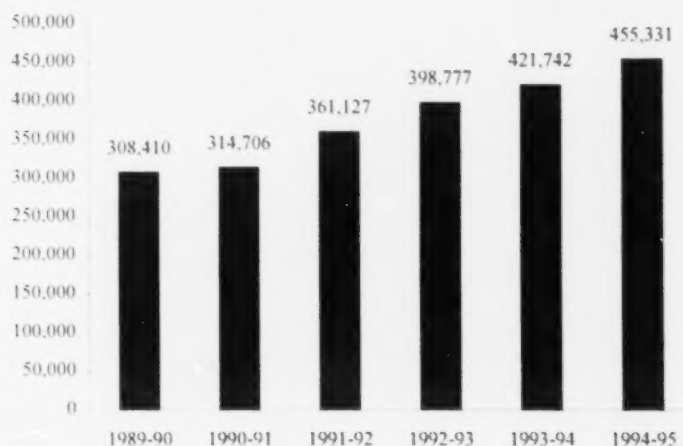
Three base indicators are used to determine accountability ratings for districts and campuses. These are TAAS results in the areas of reading, mathematics, and writing; the high school dropout rate; and the attendance rate. Districts and campuses may receive recognition based on additional indicators that represent performance beyond minimum requirements. Based on the standards met, districts are rated as exemplary, recognized, academically acceptable, or academically unacceptable. Under special circumstances, their ratings may be delayed. Depending on the standards met, campuses may receive the following ratings: exemplary, recognized, acceptable, or low-performing.

Several sets of reports based on the AEIS data are developed annually. AEIS reports describe the performance of districts and campuses on the base accountability indicators as well as additional accountability indicators and provide district/campus profile information. In addition, a school report card is provided annually to each school and must be provided to the family of each student. The report cards include information on the base accountability indicators, exemption data, performance on college admissions examinations, participation in end-of-course examinations, completion of the State Board of Education's Recommended High School Program, TAAS/TASP (Texas Academic Skills Program) equivalency, student/teacher ratios, and administrative and instructional costs per student.

The LEP Student Population in Texas. According to data collected in 1994-1995, there were approximately 450,000 students classified as limited English proficient in Texas, and this population has been growing (Exhibit 1). There soon will be over half a million public school students in Texas whose home language is not English.

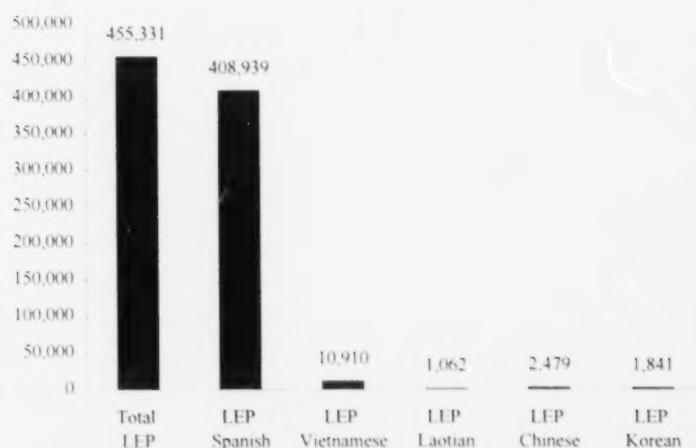
Exhibit 1
Growth in LEP student population

In 1994-1995, approximately 450,000 students were classified as limited English proficient.



Of these LEP students, more than 90 percent speak Spanish as their primary language. A small but significant number of LEP students in Texas speak a variety of other languages, with Vietnamese, Laotian, Chinese, and Korean being the most prevalent (Exhibit 2).

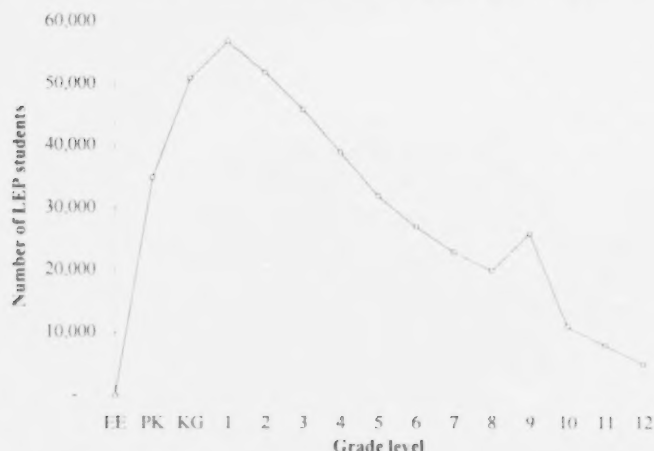
Exhibit 2
LEP students by home language for school year 1994-95



The number of LEP students in each district varies widely throughout the state. Some districts have few if any LEP students enrolled, while in others roughly half of the students are identified as limited English proficient. Exhibit 3 shows the number of LEP students by grade level across the state. As would be anticipated, the numbers of such students decrease rather steadily after grade 1 until the high-school years. Even at grade 8, however, over 20,000 LEP students attend Texas public schools.

Exhibit 3

Number of LEP students identified by grade: 1994-1995



Approximately 90 percent of the LEP students in Texas are also identified as economically disadvantaged

Approximately 90 percent of the LEP students in Texas are also identified as economically disadvantaged. According to data collected through the Emergency Immigrant Education Program, it would appear that between 10-20 percent of the LEP population are recent immigrants while the remainder are either born in the United States or have been in the United States longer than three years.

Participation of LEP Students in TAAS. Section 101.3 of the Texas Administrative Code provides LEP students at grades 3 through 8 with testing options during a three-year period beginning with the first year of TAAS (grade 3) or the first year of the student's enrollment in a U.S. school if after grade 3. Following the three-year period, students are required to take TAAS in English. The testing options during the three-year period are (1) administer TAAS in English, (2) administer TAAS in Spanish (at grades 3-6), or (3) exempt the student from TAAS and administer an alternative assessment. The Spanish TAAS tests are being phased into the assessment program gradually as benchmarking and standard setting are completed. Districts select the alternative tests from a comprehensive TEA-approved list of

commercial standardized instruments. While the alternative assessment results may be of value for local diagnostic purposes, the wide variety of tests administered prevent results from being aggregated and used in assessment and accountability reports.

Section 101.3 also directs the language proficiency assessment committee (LPAC) to make testing decisions according to which assessment option would provide the most appropriate measure of the student's academic progress, given his or her limited English proficiency. It should be noted that for students who have been enrolled continuously in school beginning at least in the first grade, the LPAC is discouraged from using the Spanish TAAS or alternative assessment for more than two years. In addition, no student may be exempted from an exit level or end-of-course test based on limited English proficiency. The great majority of students who take the Spanish version of TAAS are in bilingual programs and receive their academic content instruction in Spanish. Exhibit 4 shows the number of students exempt, tested in English, and tested in Spanish in the spring of 1996.

Exhibit 4

Current participation of LEP students in TAAS testing

LEP students exempt/tested by grade, spring 1996*

Grade	Total Documents	Exempt		Tested in English		Tested in Spanish	
		#	%	#	%	#	%
3	50,235	16,057	32%	15,198	30%	15,694	31%
4	42,641	13,293	31%	14,485	34%	9,438	22%
5	34,374	12,483	36%	12,995	38%	5,730	17%
6	29,398	8,000	27%	16,244	55%	2,328	8%
7	25,551	8,538	33%	14,536	57%	n/a	n/a
8	23,972	6,860	29%	14,070	59%	n/a	n/a
10	14,889	n/a	n/a**	12,096	81%	n/a	n/a

* These figures do not include students who were absent, ARD-exempt, or coded as "other" on the answer document.

**LEP students cannot be exempted from the exit level TAAS test; a one-time postponement is allowed for recent arrivals to the United States.

Note that no Spanish-version tests will be available for grades above 6. The proportion of LEP students who have been exempted from TAAS testing generally is slightly in excess of one-third. In 1996, approximately 65,000 LEP students were exempt.

The scores for nonexempt LEP students are currently used in several ways. Scores for students administered TAAS in English are included in both the statewide TAAS reports and the accountability rating system. Scores for students taking Spanish TAAS are reported to schools separately from English TAAS scores. The State Board of Education established a 70% passing standard for the grades 3 and 4 Spanish tests benchmarked in the spring of 1996. This standard parallels the passing standard for other TAAS assessments. As mentioned previously, scores for students taking alternative assessments are not currently included in statewide TAAS reports or in the accountability system because districts select the alternative assessments from a state-approved list, and the scores cannot be aggregated across tests.

Reasons for exempting LEP students from the testing program appear to vary widely across districts. Districts serving similar numbers of LEP students also exhibit different exemption rates, with some districts exempting almost no LEP students and others exempting the majority of them. Concerns about this variability have been raised by educators and policymakers alike since the accreditation status of districts is determined in large part by TAAS performance.

Conclusion

Many complex issues have been raised during the development of this proposal. Opinions differ within the educational community and among stakeholders as to how to incorporate the performance of LEP students in the accountability system while recognizing the individual needs of students and the flexibility called for in their educational programs. Multiple educational goals must be balanced to achieve an optimal solution.

The features of the proposed assessment system represent an effort to blend sound instructional practices with sound assessment and accountability measures in order to ensure that the educational needs of all limited English proficient students are addressed and high standards of learning for all students are upheld.

Proposed System

The proposed system for evaluating the progress of limited English proficient students represents the best collective judgment of the agency and the contractor as to the system most appropriate for Texas. Sincere appreciation is expressed to all the stakeholders who so willingly and candidly offered their advice and recommendations during the course of the project. (Appendix A includes documentation of the field input received throughout the development process.)

Proposed Procedures for Including LEP Students in the Accountability System

There are two basic components to the proposed system. First, the agency proposes to include a new instrument in the state testing and accountability systems—a reading proficiency test in English. This instrument will become a key component of the new procedure for including all LEP students in the state assessment and accountability systems. In addition, such an instrument will provide valuable information to campus, district, and state-level decision makers concerning the instructional programs to which essentially all LEP students are exposed.

Second, the current test participation guidelines will be revised in order to eliminate the option for exemption and to help districts in determining which assessments are appropriate for their LEP students.

1. Reading Proficiency Test in English

The agency proposes to select or develop an English reading proficiency test for use by LEP students at grades 3 through 8. This instrument will be designed to:

- evaluate progress along a proficiency continuum in order to show a student's movement from beginning to intermediate levels of proficiency and, finally, to proficiency levels characteristic of students whose primary language is English;
- measure the emerging ability of students to read and comprehend English; and
- use language that is age appropriate and developmentally appropriate for the students assessed.

An assessment of this nature will contribute significantly to the assessment and education of LEP students and to evaluation of their instructional programs during the period in which they are acquiring proficiency in English.

In order to implement this test, the agency will first undertake a comprehensive review of published reading proficiency tests. The agency will purchase an instrument if one can be found that meets the state's requirements from theoretical, curricular, and psychometric standpoints. In the event that no appropriate instrument is found, the agency will contract for the development of the test through a competitive bidding process.

Costs for such an assessment will vary depending on whether a suitable commercial instrument is already available or will need to be built. This test will be exempt from the provision for releasing tests in Section 39.023 (d) of the Texas Education Code.

Once such an instrument is available, it will be used in assessing appropriate LEP students at grades 3 through 8. In addition, student performance results will be included in the statewide assessment reports and the accountability system. The agency will establish a measure of annual required growth on the English reading proficiency test in order to report the percentage of LEP students making adequate annual progress during the time when they are not yet proficient enough to be measured by TAAS in English.

2. Revised Test Participation Guidelines

The following participation guidelines are proposed to ensure that all LEP students take an assessment that is commensurate with their instructional needs and the manner in which they progress academically and linguistically.

- A. All LEP students receiving instruction in Spanish as required by Section 29.055 of the Texas Education Code will take either (1) Spanish TAAS or (2) English TAAS at the time of program exit.

Students taking Spanish TAAS will also be administered the reading proficiency test in English (RPTE).

Students who enter U.S. schools by first or second grade will be required to take English TAAS after four years. Those entering U.S. schools in third grade or subsequent grades will be required to take English TAAS after three years. A year is defined as a school year in which a student is enrolled by the end of October.

Grade of testing*	Grade in which child entered U.S. schools							
	1	2	3	4	5	6	7	8
3	Spn+ RPTE	Spn+ RPTE	Spn+ RPTE					
4	Spn+ RPTE	Spn+ RPTE	Spn+ RPTE	Spn+ RPTE				
5	Eng TAAS	Spn+ RPTE	Spn+ RPTE	Spn+ RPTE	Spn+ RPTE			
6		Eng TAAS	Eng TAAS	Spn+ RPTE	Spn+ RPTE	Spn+ RPTE		
7				Eng TAAS	RPTE	RPTE	RPTE	
8					Eng TAAS	RPTE	RPTE	RPTE

- * Students may be administered the English TAAS test prior to the grade shown if determined to be English proficient.

Spn = Spanish TAAS; RPTE = reading proficiency test in English; Eng TAAS = English TAAS

Four years is permitted for students entering by first or second grade to enable them to be provided a solid foundation of academic instruction in their primary language and a gradual transition to instruction in English. The majority of students entering U.S. schools later will already have the benefit of an academic foundation in their primary language and will, therefore, be able to transition to instruction in English sooner.

- B. All other LEP students will take English TAAS after two years in U.S. schools. During the interim two-year period, these students will be tested according to the plan shown below:

Grade of testing*	Grade in which child entered U.S. schools							
	1	2	3	4	5	6	7	8
3	Eng TAAS	RPTE	RPTE					
4		Eng TAAS	RPTE	RPTE				
5			Eng TAAS	RPTE	RPTE			
6				Eng TAAS	RPTE	RPTE		
7					Eng TAAS	RPTE	RPTE	
8						Eng TAAS	RPTE	RPTE

- * Students may be administered the English TAAS test prior to the grade shown if determined to be English proficient.

Under the proposed system, the following data will be used in the accountability rating system.

- For Group A above (LEP students receiving instruction in Spanish), the TAAS scores, whether for English or Spanish TAAS, will be used as base indicators in the accountability rating system. RPTE scores for students taking Spanish TAAS will be reported in the Academic Excellence Indicator System (AEIS) for public information.
- For Group B above (all other LEP students), English TAAS scores will be used in the accountability system, and gains in RPTE will be reported in the AEIS system for public information. When the RPTE is used, the results will be based on annual progress in reading proficiency, as defined during field testing.

The majority of stakeholders consulted during this project recommended that both Spanish TAAS and English TAAS performance be used as base indicators in the accountability rating system. This practice will make it clear that the academic progress of all students is important, regardless of their primary language of instruction during the early grades.

	1996-1997	1997-1998	1998-1999	1999-2000
TAAS Indicators in the Accountability System				
Spanish Reading, Mathematics, Gr. 3-4	Report	Report	✓	✓
Spanish Reading, Mathematics, Gr. 5-6; Writing, Gr. 4	Benchmark	Report	Report	✓
Academic Excellence Indicator System				
Reading Proficiency Test in English*			Report	Report

✓ Used for rating or acknowledgments

* Contingent on development time line

The agency believes the above system will fairly and soundly accomplish the goals of the legislature to include LEP students in the assessment and accountability system. Highlights of the proposed system follow:

- All LEP students in grades 3 through 8 will be included in the student assessment system regardless of when they arrived in the U.S.
- The reading proficiency test will provide a way of measuring the extent to which all LEP students are acquiring the English reading skills they will need to be academically successful once they are proficient in English.
- All LEP students not receiving instruction in Spanish will take the English TAAS no later than two years after entering the U.S.
- All LEP students receiving instruction in Spanish will take both the RPTE and the Spanish version of TAAS. They will be administered TAAS in English no later than three or four years after entering U.S. schools, depending on their grade level at the time of entry.

Appendix B includes a number of studies that the contractor suggests the agency consider undertaking.

Appendix**A Project Activities**

Responding to the legislative charge for this project involved collecting the views and perspectives from a broad array of audiences and stakeholders. The contractor and the agency sought reactions and advice from the following groups:

The Public

- students
- legislators
- school board members
- parents
- taxpayers in general
- associations of business and other public audiences

The Education Profession

- teachers
- administrators
- curriculum and program experts
- assessment specialists
- university representatives
- professional educational associations
- agency staff

When the views of groups with diverse interests, backgrounds, and perspectives are expressed, consensus, let alone unanimity, is rare. However, as assessment and accountability options were considered and revised throughout the development of this proposal, project staff continually sought areas of convergence in the viewpoints conveyed. Although it is rarely possible to attribute any one component of the proposed system to a particular stakeholder's recommendations, the proposal in its final form reflects every attempt to respond to the overall sentiments and concerns that educators and stakeholders have expressed.

In order to collect the opinions of the various stakeholders of concern, several activities were conducted. These activities are summarized on the following pages.

Activity/Audience	Date(s)	Meeting location
1. Visits with local educators	May 23	Region I
2. Statewide forum on LEP issues	June 19	Austin
3. Meeting with selected state assessment directors	June 24	Phoenix
4. Statewide request for written input	May-July	
5. Interviews with state level associations, legislators, and agency staff	July 15-16	Austin
6. Survey of literature	June-September	
7. National and state advisory panel meeting	August 20	Austin
8. Development and field review of preliminary recommendations	October	

During the course of the project, face-to-face reactions were solicited as well as less personal, written comment. It was also considered important to seek information both within Texas and outside the state. The project contractor and agency staff resolved not to permit work to focus only inward, as much stands to be learned from the successes and failures of others who have dealt with and continue to deal with similar issues.

Activity 1: Visits with Local Educators

Assessment issues affecting LEP students were discussed at meetings held on May 23, 1996, in Region 1, both in the education service center (ESC) and at Edinburg High School. The ESC discussions were conducted by Westat staff and attended by bilingual education directors from the districts served by Region 1. During the meetings attendees discussed issues related to variations in programs of instruction for LEP students, the need for alternative assessments, and possible ways to include LEP students in the state accountability system.

The following alternative assessments were discussed:

- taking different tests in different languages
- mandating use of the test in the language in which the student receives instruction
- providing multiple writing prompts
- using a screening assessment in English to determine readiness for English TAAS
- using course grades as an alternative
- eliminating the current TEA-approved list of alternative tests and using the Spanish version of TAAS for students in bilingual programs whose primary language is Spanish
- breaking TAAS tests into shorter modules or segments or using the tests out-of-level
- shortening TAAS tests by omitting field test items

There were several suggestions regarding the quality of instruction and accountability. Participants felt that testing all LEP students and reporting these results would help improve the instruction of LEP students. Other suggestions were:

- use TAAS gain scores as an element of the accountability rating system
- weight the Spanish TAAS equally with the English TAAS
- report Spanish TAAS results to provide information on program effectiveness
- issue an alternative certificate for LEP students who did not pass the exit level TAAS but met all other graduation requirements

Activity 2: Statewide Forum on the Assessment System for LEP Students Currently Exempted from the Texas Student Assessment Program

On June 19, 1996, a statewide forum was held in Austin. In response to a letter sent from the agency, education service centers nominated individuals to attend this meeting. Attendees also included representatives of Westat, the project contractor. Westat staff led and moderated the forum. Agency staff served as resources and observers. Following is a summary of the major points discussed and comments from participants:

1. *How can more LEP students be included in the state assessment and accountability systems? How can the decision to include them be made fairly and appropriately, be applied consistently across districts, and be implemented to minimize the number of students who are excluded?*

Most participants believed that all or almost all LEP students should be included in the assessment and accountability systems, and that the programs serving them need to be standardized. Many felt that accountability for all students would result in improvements in bilingual instruction and that if all LEP students could not be included, then the decision to include/exempt a child should be program-based. Some felt that exemption decisions are often based more on school-level accountability concerns than on what is most appropriate for the child. Many participants felt that essentially all LEP students in bilingual programs should take either the Spanish or English TAAS.

2. *What is the proper role of the Spanish TAAS in the state assessment and accountability systems?*

The majority of participants believed that the Spanish and English TAAS should have equal weight in the accountability system and that LEP students should be tested in the language of their instruction. Others emphasized that understanding academic concepts is more important than the language in which the understanding is exhibited during the time students are learning English. The point was also made that Spanish TAAS is not appropriate for the majority of students served only in English as a second language programs, since their academic instruction is typically provided in English and students may not be literate in Spanish.

3. *What have districts learned from the currently used alternative assessment procedures that can assist us in designing the new system?*

Participants encouraged the agency to create a single alternative test for LEP students who could not be assessed appropriately with Spanish or English TAAS instead of continuing to use the current comprehensive list. They also recommended that the alternative test evaluate the annual progress of LEP students until they are English proficient.

4. *What changes should be made to the current assessment and accountability systems to make the resulting information more inclusive, more valid, and more useful both to local and state-level decision makers?*

Many participants thought it was important to include LEP students in the accountability system to ensure stronger programs and more effective instruction in the schools. Districts would focus more on the needs of the LEP students if their performance was used for accountability purposes. In short, participants felt that these programs needed greater attention and support.

Summary

The strongest message from the forum participants was that districts need to be held accountable for the achievement of their LEP students. Participants favored a system that would rely heavily on a combination of the English and Spanish TAAS. A strong recommendation was that the system proposed should somehow reward student growth/progress for students for whom neither Spanish nor English TAAS was appropriate. A "growth" measure was also recommended in addition to, or instead of, the current "status" measure.

Activity 3: Meeting with State Assessment Directors and Other State Officials

Westat convened a meeting in Phoenix, Arizona, on June 24, 1996, to discuss what could be learned from other states with regard to the challenging issues currently facing Texas. The meeting was scheduled during the Council of Chief State School Officers' Large-Scale Assessment Conference to take advantage of the availability of many directors of state assessment programs. Issues concerning special education students and students who are unable to pass the exit exams after several attempts were also examined at this meeting, since the agency was also seeking information on other alternative assessment projects. The meeting was attended by TEA representatives, state personnel from eight states, three members of the national advisory panels for the alternative assessment projects (John Keene, Susan Phillips, and Martha Thurlow), and Westat staff.

The meeting opened with Dr. Lance Hodes, Director of Westat's Education Group, describing the purpose of the meeting and providing a brief synopsis of the events in Texas leading to the present work.

Gordon Ensign (Washington state) mentioned that some accommodations in his state are already in place and that Washington is open to almost any accommodation that is requested. His main concern with alternative assessment systems was who will do the training and how the training will be provided.

Roger Trent (Ohio) spoke about his state's exploration of alternative assessments to the exit exam. The state offers an alternative for limited English proficient seniors with a C plus average who have not passed their exit exam. These students can take a combination oral/visual administration of the regular math and citizenship tests, which also can be interpreted to students in their own language.

Bud Hall (New Mexico) reported that the New Mexico's high school competency exam has been translated into Spanish but that the form has not been widely used. A general discussion ensued concerning the translation of tests. Questions were raised about when to translate a test and who will determine what students should be tested in a language other than English.

Claudia Davis (Louisiana) mentioned that in her state the classroom and ESL teachers determine the modifications that will be used by the LEP student in the assessment. However, all LEP students are tested unless a deferment is requested based on established criteria. In addition, after students have been in an English-speaking classroom for two full consecutive academic years, they may no longer request a deferment. There is no reporting on exemptions. Louisiana routinely uses accommodations, and a growing issue in the state concerns students who are not eligible for special education but who receive special services.

Ellie Sanford (North Carolina) reported that her state has a high-stakes exit exam that is taken by 95 percent of all students. Currently, LEP students are allowed to have additional time or to take the test in a separate room. The state is now looking into other models such as the use of a word dictionary, or allowing tests in languages other than English to be read aloud. A controversy in the state involves deciding whether or not to allow the reading test to be read aloud. LEP students may be exempted for two years and given an alternate assessment, but no alternatives for the exit exams are available. This year their state board is reviewing the state's LEP guidelines for participation and modification.

Gordon Ensign mentioned to the group that trying to provide appropriate accommodations for some students may not be the answer; what needs to be accomplished is redirecting the instruction.

Lance Hodes (Westat) and Roger Trent (Ohio) raised the issues of time and cost. Trent felt that the districts were concerned that the state would not provide resources for district-level alternative assessment systems. Mike Beck mentioned that New Jersey appeared to have the only fully developed system of alternative assessments for exit exams and that the districts bear the cost of the alternative systems.

Activity 4: Responses To a Request for Written Input from Texas Stakeholders

A letter was sent by the commissioner of education to superintendents of all school districts in the state asking for input on the questions noted below. Responses could be faxed, e-mailed, or mailed to Westat. Eighteen responses were received from 12 school districts related to the LEP questions. An overview of the responses is presented here.

1. Do you have any ideas or opinions on consistent procedures for including exempted students in the current assessment system?

Several themes were identified in the responses. The major theme was the lack of consistency in the way districts apply the current assessment system's guidelines for exempting students from the TAAS. The second theme addressed new procedures for including exempted students in TAAS testing.

While respondents felt that all students could take the TAAS at some point, some had reservations and/or conditions that had to be met before the policy would go into effect. Several respondents felt that exempted students should have their scores disaggregated. One respondent felt that annual assessments of exempted students must be made to determine if the student should remain exempted the next year. Another believed exempted students should be pretested to determine whether or not they are capable of taking the TAAS with some success.

Other respondents concerned with the current TAAS suggested that it include the following features: be developmentally, linguistically, and culturally appropriate; evaluate all students appropriately based on language development and academic achievement; obtain and maintain data on the actual performance of students in special programs; and assess oral proficiency.

2. How sound or appropriate are current procedures related to the testing or exclusion of exempted students?

Most of the respondents felt that the current procedures needed to be improved. Many offered their opinions on the question, while others suggested methods that would make the current TAAS more appropriate for LEP students.

Most of the negative comments about the procedures centered around a "lack of clear and definite guidelines" for LEP students. Several respondents had definite ideas regarding the onset of testing. There was no convergence of viewpoints on this issue.

3. Do you have any ideas or comments on appropriate procedures for evaluating the progress of LEP students who are currently exempted from statewide testing?

The responses to this question varied greatly. Most answers suggested that alternative assessments would be acceptable as long as certain procedures were in place. A few thought the current TAAS would be acceptable with some alterations. Others felt that existing commercial standardized tests would be better than the current TAAS. Several respondents answered "none" to this question.

- 4. Can you suggest appropriate and equitable ways of including the performance of LEP students who are currently exempted from statewide testing?**

The responses to this question were based primarily on respondents' opinions of whether to include currently exempted students in the TAAS and whether their scores should be aggregated. The vast majority of responses favored disaggregated scores.

- 5. Do you have any comments on the use of tests written in a student's native language?**

The majority of respondents thought the use of native language tests was appropriate. Many, however, felt that certain conditions had to be met before they were willing to accept such a measure. The remainder of respondents were opposed to native language tests. Those who responded negatively were concerned that native language testing would not help students meet the academic goals they needed for graduation.

- 6. Can you suggest educationally appropriate accommodations that might be provided to LEP students who take the TAAS English-version tests?**

Almost all of the respondents felt accommodations would be appropriate. Most believed that a translation of directions, questions, and difficult words would be valid accommodations. A number of respondents said that modifications should be made on an individual basis.

- 7. How much English instruction should a student have before requiring testing with the English TAAS?**

The answer to this question was either that three years is sufficient or three years is not sufficient. Those who supported the not-sufficient response felt that time should not be a factor in determining when to test and that the individual needs of the students must be considered first. Respondents were essentially mixed in their views regarding the length of time.

- 8. What role should a local school district play in administering an alternative assessment system?**

About half of the respondents to this question thought the local school district should have no role in administering alternative assessments. A number of respondents thought the local district could administer an alternative test the same way that the standardized tests are administered.

Activity 5: Interviews with State-level Associations, Legislators, and Agency Staff

On July 15 and 16, 1996, agency staff and Westat staff interviewed selected stakeholders within and outside the agency to gather their opinions on possible changes in assessment practices for LEP students. In addition, implications for accountability were addressed. The interviews were introduced by asking two critical questions:

- What changes would you like to see in the assessment program?
- What changes do you feel are not acceptable or would not work?

The interview with John Stevens from the Business and Education Coalition covered topics relating to assessment, reporting, and accountability systems. Mr. Stevens felt that adequately assessing LEP students poses a serious challenge. He repeatedly stressed the need to obtain an accurate measure of growth for these students and felt that alternatives to the present system might be needed to meet this goal. Mr. Stevens favored the use of a screening test for LEP students that would permit some assessment of their readiness for the English version of TAAS and supported the use of descriptive reporting of the assessment results for LEP students. Most important was his belief that whatever alternatives are ultimately proposed, it is critical to hold these tests to the highest standards of reliability and validity.

Representative Scott Hochberg and legislative staff members Craig Smith and Jack Elrod expressed openness to creative and thoughtful ideas but wanted full disclosure on how students and programs are currently operating. The principal interviewee, Scott Hochberg, stressed that essentially all students should be assessed somehow, and that exemption from testing should be the rare exception.

Joe Neely and Felipe Alanis, deputy commissioners from the Texas Education Agency, were briefed on the issues surrounding alternative assessments and had similar reactions to both the importance and the difficulty of the tasks.

David Stamman from the Texas Association of School Boards commented on the assessment system for LEP students and maintained that political activism is substantial on this issue. Mr. Stamman indicated that the use of a language proficiency test to identify students who should take the TAAS in English might be feasible, but it would need to be literacy-oriented and standardized. If preparing versions of TAAS in other languages is not practical, non-Spanish speakers, in his view, should be exempted from the TAAS for one or two years. He added that results from students who take the Spanish TAAS should be included in the accountability system.

Criss Cloudt, Associate Commissioner of Policy Planning and Research at TEA, and Cherry Kugle, Director of Performance Reporting, focused on the possible implications of changes in the TAAS for the accountability system, such as those requiring complex combinations of multiple ratings. They also suggested assigning some indicators to the district or campus level exclusively, rather than using identical indicators for both levels, as is the current practice. For example, it might be advisable to use data on LEP students in the district ratings, but not in the campus ratings.

María Seidner, Director of Bilingual Education at TEA, focused on questions related to the assessment of LEP students and options that she viewed as viable. Options included the use of a modified TAAS for LEP students, a dual language (Spanish/English) version of TAAS, and other alternatives. Ms. Seidner cautioned, however, that some options might be more appropriate than others depending on how long students have been in the schools.

Activity 6: Search of Relevant Literature

A literature search was conducted by Westat to gather background information on assessment issues related to LEP students. Phone calls were made to various sources to find out about any written materials that were not identified through the published literature. The data helped shape the recommendations offered.

The list of problems facing LEP students and those who attempt to create equitable assessments and significant accommodations for them is long. At the present time, emigration to the United States from Spanish-speaking countries, especially those near the U.S. borders, is great. As the LEP population grows, schools face the challenge of providing a quality education to all English-speaking students as well as students with primary languages other than English. However, the time and cost of putting programs and accountability systems in place is significant, and there are no generally accepted procedures for setting up these systems. Texas and other states are faced with the challenge of developing the instruments necessary to create equitable, alternative assessments for LEP students, deciding how to include these students in the state's accountability system, and addressing the test development costs.

LEP students appear to be caught in a "catch-22" situation. "Current assessment instruments in English are inappropriate because they actually assess both content concepts and language ability, particularly reading comprehension and writing. The interconnection of language and content makes it difficult to isolate one feature from the other. As a result, it is difficult to know whether a student is unable to demonstrate knowledge because of a language barrier or whether the student does not know the content material being tested" (D. August, 1994). In addition, because many states exempt LEP students from testing until they have either reached a certain level of proficiency or have spent 2 or 3 years in the school system, LEP students are often exempt from testing for accountability purposes." (D. August, 1994). As a result, assuring that LEP students are receiving the same standard of quality education that English-speaking students are receiving is difficult.

Many writers report that LEP students and their teachers feel that if they are not reported in a state's accountability system, they do not exist in the eyes of the public.

A review of the various articles and related publications consulted for information relevant to this project reveals:

- few states to date have dealt with the equity, psychometric, instructional/curricular, and policy issues fully;
- most states are beginning to explore how to include all, or essentially all, LEP students into their testing systems, although such an "inclusion" movement is still not universal;
- there is no current convergence of thought on how best to incorporate LEP students into state testing programs; and
- the diversity of primary languages in most states or large districts makes it difficult to deal with the assessment of all such students in an equitable manner.

Activity 7: National and State Advisory Panel Meeting

A meeting was held in Austin, Texas, on August 20, 1996, to present a set of initial options that might be considered in the development of the assessment system for limited English proficient students. The initial options were widely varied and represented ideas brought forth from Texas stakeholders, agency staff, and the project contractor in earlier discussions.

The purpose of the meeting was to present the variety of options in writing in order to use them as a springboard for discussion with individuals who had been identified as national or state experts.

The meeting was convened by Westat and attended by the following national advisors: Dr. Kenji Hakuta, Professor of Education at Stanford University; Dr. S.E. Phillips, Attorney and Professor at Michigan State University; Dr. Roger Trent, Director of Assessment, The Ohio Department of Education; Dr. Floraline I. Stevens, Consultant; and Dr. John Keene, Consultant. State advisors included Dr. Albert Cortez, Director, Institute for Policy and Leadership, Intercultural Development Research Association; Dr. Joseph Johnson, University of Texas at Austin; Ms. Eva López, Director of Multilingual Services, Aldine ISD; Ms. Gloria Rivera, Assistant Principal, Alice ISD; Dr. Mike Strozeski, Director of Planning, Research, and Development, Garland ISD; and Dr. Josefina Tinajero, Assistant Dean, College of Education, University of Texas at El Paso.

In addition to the national and state panelists, Dr. Felipe Alanis, a deputy commissioner from TEA, representatives of the TEA Performance Reporting Division, TEA Student Assessment staff, and Westat project staff were in attendance.

The project coordinator from Westat opened the meeting with an overview of the options to be considered and an introduction of the panelists. This was followed by a discussion of the strengths and weaknesses of each option. Before the meeting was adjourned, panelists were asked which options should be recommended for further study and which should be removed from the options list. In addition, panelists were asked to respond to Westat shortly after the conference to offer other considerations or recommendations not suggested at the meeting and to react to a new draft of the options paper.

Six categories of options were considered at the meeting. The criteria for evaluating the components of a desirable system were:

- appropriateness of evaluation procedures for all language groups represented in Texas schools;
- the use of absolute scores vs. measures of growth over time;
- validity and reliability of assessment results and legal implications;
- feasibility for large-scale testing;
- time needed to implement desired changes; and
- associated costs.

The first category of options for consideration, "Changes in the Criteria for Inclusion in the TAAS Program," had six options. Of the six, two were recommended for further study, and each incorporated key elements of the other. In this option, local district personnel would decide for each LEP student whether to administer the Spanish or English TAAS. The language in which the student receives his/her

primary instruction would be the primary determining factor. The second feature of this option was to incorporate the performance of essentially all LEP students in the state assessment and accountability systems.

The second category, "Changes in the Way TAAS is Administered," had six options. There was some interest in allowing LEP students, prior to grade 10, to use a dictionary that provided native-language equivalents of English words when taking certain subject area tests.

The third category, "Changes in the TAAS/New Test Development," had nine options. Panelists were not in agreement on any single option. Several expressed interest in some type of reading measure that could evaluate the developing proficiency of LEP students during the time they were not proficient enough to take TAAS in English. While there was not time to explore this option in depth at the meeting, the recommendation was made for the agency to investigate the idea further.

The fourth category, "Changes in the Way Test Results are Reported," had three options. The recommendations offered for the reporting system were to change the reporting and accountability procedures so that any exempted LEP students would be reported as non-passing in all TAAS reports for accountability purposes and to consider adopting a phased-in standard of "passing" to apply to LEP-categorized students who are taking the English version of TAAS for the first, second, and, perhaps, third time.

The fifth category, "Changes in the Way Test Results are Used in the Accountability System," contained five options. A number of the options discussed were recommended. The first option was to revise the TAAS indicator component of the accountability system so that TAAS gain would be used to rate campuses; the second was to give equal weight to the results from the Spanish and English TAAS; and the third was to explore the development of comparison data for TAAS based on segmenting the average performance of all Texas districts according to their percent of LEP students.

The national and state advisory panels, both during their August 20 meeting and in their written responses to a revised set of options mailed to them shortly after the meeting, provided a thorough and invaluable reaction to the final set of recommendations presented in this report. While all recommendations were by no means endorsed by all members of the panel, their contribution to the shaping of these recommendations was critical.

Appendix

B Research Studies

The contractor, Westat, Inc., has proposed the following research studies. These studies are not essential to the legislative charge for this project but are worthy of consideration because the information provided would further educational research concerning the instruction and assessment of LEP students.

- *Select a sample of students who previously took the Spanish TAAS and subsequently took the English TAAS. Analyze the change in performance between these students' last Spanish TAAS and first English TAAS scores.*

Such a study would permit an analysis of expected score change at the transition point between assessment in Spanish and English. It should be conducted across several grades and content areas. Since test-score change at that key point is proposed to be an element of the accountability system, these analyses should be important from policy, program evaluation, assessment, and instructional standpoints.

- *Identify a set of campuses that achieve high English TAAS, Spanish TAAS, and/or RPTE scores for their LEP students. Choose a panel of specialists to make an intensive case study of these campuses.*

The purpose of such a study would be to determine what instructional methods allow these campuses to be so successful and to promote the findings via various procedures—conferences, training materials, videotapes, or other vehicles.

Throughout this project, stakeholders have commented that bilingual and ESL teachers often feel isolated and that they are functioning in the absence of knowledge of "best practices." This study would permit locations with excellent programs to be identified for the benefit of LEP students throughout the state.

- *Conduct analyses of the longitudinal performance of LEP students and the characteristics of students who eventually succeed or fail to pass the exit level TAAS test.*

There is an absence of information about what happens academically to LEP students when they are no longer identified as limited English proficient. A study of the subsequent performance of these students would provide a better understanding of the instructional programs in which they participated and their long-term achievement in school.

In addition, other data could be studied, such as the attendance and dropout rates for current and former LEP students, a comparison of school grades for non-LEP and former LEP students, their average SAT/ACT scores, etc. The continued identification and study of these students would provide useful documentation of the extent to which the educational system has been able to meet their unique needs.

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

- (1) acceptance policies on student transfers from other school districts;
- (2) operation of school bus routes or runs on a nonsegregated basis;
- (3) nondiscrimination in extracurricular activities and the use of school facilities;
- (4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;
- (5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;
- (6) nondiscriminatory practices relating to the use of a student's first language; and
- (7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

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